



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WENTWORTH RATTRAY,

Plaintiff,

-against-

THE CITY OF NEW YORK et al.

Defendants.
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17-CV-8560 (PGG) (KHP)

ORDER

KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE

On April 15, 2022, Defendants filed a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56. (ECF Nos. 206, 207.) Local Rule 56.1 requires that “[u]pon any motion for summary judgment pursuant to Rule 56, there shall be annexed to the notice of motion a separate, short and concise statement, in numbered paragraphs, of the material facts as to which the moving party contends there is no genuine issue to be tried,” (“Rule 56.1 statement”). U.S. Dist. Ct. Rules S.& E.D.N.Y., Civ Rule 56.1(a). In their moving brief, Defendants reference their Rule 56.1 statement, but no Rule 56.1 statement is on the docket. In light of what appears to be an inadvertent error on the part of Defendants, the Court directs Defendants to file their Rule 56.1 statement on the docket by **Wednesday, August 10, 2022**.

By **Wednesday, August 24, 2022**, Plaintiff may file a response to Defendant’s Rule 56.1 statement that consists of correspondingly numbered paragraphs responding to each numbered paragraph in Defendants’ statement, and if necessary, additional paragraphs containing a separate, short and concise statement of additional material facts as to which it is contended that there exists a genuine issue to be tried. U.S. Dist. Ct. Rules S.& E.D.N.Y., Civ Rule 56.1. Because Plaintiff has already submitted a statement consisting of numbered

paragraphs that presents Plaintiff's position regarding which facts are disputed and which are not, Plaintiff may choose not to respond to Defendant's Rule 56.1 statement, and the Court will construe his existing statement as a response thereto.

The Clerk of the Court is respectfully requested to mail a copy of this order to the Plaintiff.

SO ORDERED.

DATED: August 8, 2022
New York, New York



Katharine H. Parker
U.S. Magistrate Judge